

1 CHRISTOPHER C. COOKE, ESQ. (#142342)
2 STEPHEN S. WU, ESQ. (#205091)
3 COOKE KOBRIK & WU LLP
4 177 Bovet Road, Suite 600
5 San Mateo, CA 94402
6 Telephone: (650) 638-2370
7 Facsimile: (650) 341-1395

8 Attorneys for Plaintiff
9 VIOLETTA ETTARE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VIOLETTA ETTARE,

Plaintiff,

v.

JOSEPH E. BARATTA, an individual, TBIG
14 FINANCIAL SERVICES, INC., form of
15 business unknown, WACHOVIA
16 SECURITIES, LLC, a Delaware Limited
17 Liability Company, MARK WIELAND, an
individual, and DOES 1-25,

Defendants.

CASE NO.: 5:07-CV-04429-JW (PVT)

**STIPULATION AND [PROPOSED]
ORDER CONTINUING HEARING ON
DEFENDANTS' MOTION TO
COMPEL ARBITRATION AND STAY
PROCEEDINGS AND CASE
MANAGEMENT CONFERENCE**

WHEREAS, defendants Wachovia Securities LLC, Mark Wieland, Joseph E. Baratta and TBIG Financial Services Inc. have filed motions to compel arbitration on March 6, 2008, that the Court has set for a hearing on Monday, May 5, 2008;

WHEREAS, the Court has also scheduled the parties' case management conference for Monday, May 5, 2008.

WHEREAS plaintiff Violetta Ettare, through her counsel, indicated to defendants before they filed their motion to compel arbitration that plaintiff had concerns about the authenticity and genuineness of the account documentation containing the arbitration agreement and plaintiff had requested that defendants provide the originals of all such documentation to her counsel for

1 inspection and review;

2 WHEREAS defendants Wachovia Securities LLC and Wieland recently located the
3 originals of some of the documents requested by plaintiff and have agreed to make such original
4 documents available for inspection by plaintiff and her forensic documents examiner, at Wachovia
5 Securities LLC's counsel's offices in San Francisco, California on April 22, 2008;

6 WHEREAS, plaintiff has requested, and defendants have agreed, to postpone the
7 hearing, presently set for May 5, 2008, on defendants' motion to compel arbitration, the deadline
8 for plaintiff's opposition to that motion and the deadline for defendants' reply to that motion, so
9 that plaintiff's counsel can inspect the original documentation located by defendants;

10 WHEREAS, the parties agree that the motion to compel arbitration and the parties'
11 case management conference should therefore be continued to Monday, June 16, 2008 at 9:00 a.m.

12 NOW, THEREFORE, THE PARTIES, THROUGH THEIR UNDERSIGNED
13 COUNSEL OF RECORD, HEREBY STIPULATE AS FOLLOWS:

14 1. The Hearing on defendants' motion to compel arbitration and stay
15 proceedings and the parties' Case Management Conference shall be changed from Monday, May
16 5, 2008 at 9:00 a.m. to Monday, June 16, 2008 at 9:00 a.m.;

17 2. The parties' opposition and reply briefs shall now be due in accordance with
18 the new June 16, 2008 hearing date and the Court's local rules.

19 SO STIPULATED.

20 Date: April 9, 2008

COOKE KORRICK & WU LLP

21 BY:
22 CHRISTOPHER COOKE
23 Attorneys for Plaintiff
24 VIOLETTA ETTARE

1 Date: April ____ , 2008

KEESAL YOUNG & LOGAN, PC

2

3

BY:

TERRY ROSS
AUDETTE PAUL MORALES
Attorneys for Defendants
WACHOVIA SECURITIES LLC and
MARK WIELAND

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Date: April 09, 2008

HOWARD RICE NEMEROVSKI CANADY
FALK & RABIN, PC

BY:


GILBERT K. SEROTA
DIANA C. CAMPBELL MILLER
Attorneys for Defendants
JOSEPH E. BARATTA and
TBIG FINANCIAL SERVICES INC.

[PROPOSED] ORDER

Based upon the parties' Stipulation, IT IS SO ORDERED.

17

18

19

20

21

22

23

24

25

26

27

28

BY:

The Hon. James Ware
UNITED STATES DISTRICT JUDGE

1 Date: April 1, 2008

KEESAL YOUNG & LOGAN, PC

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



BY:

TERRY ROSS
AUDETTE PAUL MORALES
Attorneys for Defendants
WACHOVIA SECURITIES LLC and
MARK WIELAND

Date: April , 2008

HOWARD RICE NEMEROVSKI CANADY
FALK & RABIN, PC

BY:

GILBERT R. SEROTA
DIANA C. CAMPBELL MILLER
Attorneys for Defendants
JOSEPH E. BARATTA and
TBIG FINANCIAL SERVICES INC.

[PROPOSED] ORDER

Based upon the parties' Stipulation, IT IS SO ORDERED.

Date: April , 2008

BY:

The Hon. James Ware
UNITED STATES DISTRICT JUDGE